Exhibit O

California Superior Courts

CA Superior - San Mateo (SanMateo)

CIV502857

Fermin Solis Aniel VS Ets Services, Llc et al

This case was retrieved from the court on Wednesday, March 04, 2015

Header

Case Number: CIV502857 **Date Filed:** 02/02/2011

Date Full Case Retrieved: 03/04/2015

Misc: (33) FRAUD; (CIV) Unlimited Civil

[Summary][Participants][Proceedings][Complaints][Minutes][Pending Hearings]

Summary

No Information is Available for this case

Participants

LitigantAttorneyFermin Solis AnielPro PerPlaintiffAniel, Fermin SolisComplaint Number: 175 Tobin Clark DriveStatus: DISMISSED 12/06/2011Hillsborough, CA 94010Erlinda Abibas AnielPro Per

Erlinda Abibas Aniel Pro Per

Plaintiff Aniel, Erlinda Abibas

Complaint Number: 1 75 Tobin Clark Drive

Status: DISMISSED 12/06/2011 Hillsborough, CA 94010

Ets Services, Llc Buell, Edward R

Defendant , CA

Complaint Number: 1

Status: DISMISSED 12/06/2011

Gmac Mortgage, Llc Buell, Edward R

Defendant , CA

Complaint Number: 1

Status: DISMISSED 12/06/2011

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Hsbc Bank, USA Buell, Edward R

Defendant , CA

Complaint Number: 1

Status: DISMISSED 12/06/2011

Mortgage Electronic Registration Systems Buell, Edward R

Defendant , CA

Complaint Number: 1

Status: DISMISSED 12/06/2011

Pite Duncan, Llp Salmon, Peter J

Defendant

Complaint Number: 1

Status: DISMISSED 12/06/2011

Proceedings

Nbr	<u>Date</u>	<u>Details</u>	<u>Disposition</u>
1	02/02/2011	(S) Complaint Filed	
2	02/02/2011	30 Day Summons, Issued And Filed.	
3	02/02/2011	30 Day Summons, Issued And Filed.	
4	02/02/2011	Civil Case Coversheet Received	
5	02/02/2011	30 Day Summons, Issued And Filed.	
6	02/02/2011	30 Day Summons, Issued And Filed.	
7	02/02/2011	30 Day Summons, Issued And Filed.	
8	02/10/2011	Proof of Personal Service of Summons And Complaint Filed 02/02/2011 of Fermin Aniel Served on Gmac Mortgage, Llc by Serving Becky Degeorge, Agent For Service With Service Date of 02/03/11	
9	02/10/2011	Proof of Personal Service of Summons And Complaint Filed 02/02/2011 of Fermin Aniel Served on Pite Duncan, Llp by Serving Steven Pite, Senior Partner With Service Date of 02/03/11	
10	02/10/2011	Proof of Personal Service of Summons And Complaint Filed 02/02/2011 of Fermin Aniel Served on Ets Services, Llc by Serving Bekcy Degeorge, Agent For Service With Service Date of 02/03/11	
11	02/10/2011	Proof of Personal Service of Summons And Complaint Filed 02/02/2011 of Fermin Aniel Served on Hsbc Bank, USA by Serving Maria Sanchez, Agent For Service With Service Date of 02/03/11	
12	02/10/2011	Proof of Personal Service of Summons And Complaint Filed 02/02/2011 of Fermin Aniel Served on Mortgage Electronicregistration Systems by Serving Desiree George, Agent For Service With Service Date of 02/03/11	
13	03/07/2011	(S) Demurrer to Complaint Filed 02/02/2011 of Fermin Aniel Filed by Ets Services, Llc, Gmac Mortgage, Llc, Hsbc Bank, USA, Mortgage Electronicregistration Systems Represented by Edward R Buell	
14	03/07/2011	Request For Judicial Notice of in Support of Demurrer to Plaintiffs Verified Complaint Filed by Ets Services, Llc, Gmac Mortgage, Llc, Hsbc Bank, USA, Mortgage Electronicregistration Systems.	
15	03/07/2011	Memorandum of Points And Authorities Filed by Ets Services, Llc, Gmac Mortgage, Llc, Hsbc Bank, USA, Mortgage Electronicregistration Systems in Support of Demurrer to Verified Complaint	

16	03/07/2011	Proof of Service of Demurrer With Supporting Documents Served on See Service List by Mail With A Service Date of 03/07/11.
17	03/15/2011	(S) Demurrer to Complaint Filed 02/02/2011 of Fermin Aniel Filed by Pite Duncan, Llp Represented by Peter J Salmon
18	03/15/2011	Memorandum of Points And Authorities Filed by Pite Duncan, Llp in Support of Demurrer to Complaint
19	03/15/2011	Request For Judicial Notice of Notice in Support of Demurrer to Complaint Filed by Pite Duncan, Llp.
20	03/22/2011	Request For Default Filed And Default Not Entered. Reason: Def, Pite Duncan, Llp Filed A Demurrer on 3-7-11.
21	03/22/2011	Request For Default Filed And Default Not Entered. Reason: Def, Mortgage Electronic Registration Systems, Inc. Filed A Demurrer on 3-7-11.
22	03/22/2011	Request For Default Filed And Default Not Entered. Reason: Def, Gmac Mortgage Llc Filed A Demurrer on 3-7-11.
23	03/22/2011	Request For Default Filed And Default Not Entered. Reason: Def, Hsbc Bank USA Filed A Demurrer on 3-7-11.
24	03/22/2011	Request For Default Filed And Default Not Entered. Reason: Def, Ets Services, Llc Filed A Demurrer on 3-7-11.
25	04/01/2011	Notice of Motion to Enter Default Against All Defendants And to Set Aside Trustee Sale Filed by Fermin Solis Aniel, Erlinda Abibas Aniel
26	04/01/2011	Motion to Enter Default And Set Aside Trustee Sale Complaint Filed 02/02/2011 of Fermin Aniel Filed by Fermin Solis Aniel, Erlinda Abibas Aniel
27	04/25/2011	Reply And Notice of Lack of Opposition to Demurrer, Filed.
28	04/26/2011	Amended Notice of Hearing on Demurrer Filed by Pite Duncan, Llp.
29	05/09/2011	Opposition to Plaintiffs Motion to Enter Default And Set Aside Trustee Sale Filed by Ets Services, Llc, Gmac Mortgage, Llc, Hsbc Bank, USA, Mortgage Electronicregistration Systems
30	05/09/2011	Request For Judicial Notice in Support of Opposition to Motion to Enter Default.
31	05/09/2011	Proof of Service of Defendants Opposition, Etc. Served on See List by Federal Express With A Service Date of 05/09/11.
32	05/11/2011	Notice of Joinder in Defendants Opposition to Motion to Enter Default And Set Aside Trustees Sale Filed by Pite Duncan, Llp.
33	05/16/2011	Reply to Defendants Opposition to Motion to Enter Default Filed by Fermin Solis Aniel, Erlinda Abibas Aniel
34	05/16/2011	Case Management Statement Filed by Ets Services, Llc, Gmac Mortgage, Llc, Hsbc Bank, USA, Mortgage Electronicregistration Systems.
35	05/16/2011	Proof of Service (By Mail) of Case Management Statement Request For Courtcall Served on See List With A Service Date of 05/16/11 Filed.
36	05/19/2011	Case Management Statement Filed by Fermin Solis Aniel, Erlinda Abibas Aniel.
37	05/20/2011 9:00 AM	Hearing: Motion Re: to Enter Default And Set Aside Trustee Sale Filed Completed by Fermin Solis Aniel, Erlinda Abibas Aniel (Dept Lm)
38	05/25/2011	Opposition to Defendant, Pite Duncans Demurrer to Complaint Filed by Fermin Solis Aniel, Erlinda Abibas Aniel
39	05/26/2011	Opposition to Defendants Demurrer to Complaint Filed by Fermin Solis Aniel, Erlinda Abibas Aniel
40	05/27/2011	Case Management Statement Filed by Pite Duncan, Llp.
41	05/27/2011	Hcmc1i Calendared on $06/02/11$ in Dept. 21. Has Been Updated to $06/02/11$ in Dept. 8.

42	06/02/2011	(Proposed) Order Denying Motion to Enter Default Sent to Judge Scott For Review.	
43	06/02/2011 9:00 AM	Case Management Conference (Dept 8)	Continued
44	06/02/2011	Reply in Support of Demurrer to Plaintiffs Verified Complaint, Filed.	
45	06/07/2011	Order Denying Plaintiffs Motion to Enter Default And to Set Aside Trustee Sale, Signed by Judge Scott on 06/02/11 Filed.	
46	06/08/2011 9:00 AM	Hearing: Demurrer to Complaint Filed 02/02/2011 of Fermin Aniel by Pite Duncan, Llp (Dept Lm)	Completed
47	06/08/2011	Notice of Ruling Filed	
48	06/09/2011 9:00 AM	Hearing: Demurrer to Complaint Filed 02/02/2011 of Fermin Aniel by Ets Services, Llc, Gmac Mortgage, Llc, Hsbc Bank, USA, Mortgage Electronicregistration Systems (Dept Lm)	Completed
49	06/17/2011	(Proposed) Order Sustaining Demurrer Sent to Judge Scott For Review.	
50	06/22/2011	Order After Hearing For 06/08/11 Received And Forwarded to Dept. 25.	
51	06/30/2011	Order Sustaining Demurrer to Plaintiffs Complaint Without Leave to Amend, Signed by Judge Scott on 06/20/11 Filed.	
52	07/07/2011	Notice of Entry of Order Filed by Gmac Mortgage, Llc, Hsbc Bank, USA.	
53	07/18/2011	Order on Def. Pite Duncan, Llps Demurrer, Signed by Judge Scott on 06/28/11, Filed.	
54	07/18/2011	Proposed Judgment Received.	
55	07/21/2011 9:00 AM	Case Management Conference (Dept 21)	Vacated
56	08/10/2011	Case Management Statement Filed by Fermin Solis Aniel, Erlinda Abibas Aniel.	
57	08/17/2011	Notice of Appeal Filed by Fermin Solis Aniel, Erlinda Abibas Aniel.	
58	08/17/2011	Notice of Filing of Appeal Filed.	
59	08/17/2011	Transcript Trust Posted by Erlinda Aniel on Behalf of Fermin Solis Aniel, Erlinda Abibas Aniel.	
60	08/23/2011	Appellants Notice Designating Record on Appeal Filed.	
61	08/26/2011	Defendants Case Management Statement, Filed.	
62	08/26/2011	Proof of Service by Mail of Ccopy of Case Mgt Statement, Req For Court Call Served on Fermin Solis Aniel, Erlinda Abibas Aniel, Ets Services, Llc Filed. Date of Mailing 08/26/11.	
63	08/26/2011	Respondents Notice Designating Record on Appeal Filed.	
64	08/29/2011	Transcript Trust Posted by S&R Services on Behalf of Pite Duncan, Llp.	
65	08/29/2011	Hcmc1i Calendared on $09/01/11$ in Dept. 21. Has Been Updated to $09/01/11$ in Dept. 7.	
66	08/30/2011	Exonerate Transcript Trust	
67	08/30/2011	Void Transcript Trust	
68	08/31/2011	Hcmc1i Calendared on 09/01/11 in Dept. 7. Has Been Updated to 09/01/11 in Dept. 11.	
69	09/01/2011 9:00 AM	Case Management Conference (Dept 11)	Continued
70	09/01/2011	Transcript Trust Posted by S& R Services on Behalf of Pite Duncan, Llp.	
71	09/02/2011	Notice of Case Management Conference Continuance Filed by Fermin Solis Aniel, Erlinda Abibas Aniel.	
72	09/13/2011	Notice to Prepare Transcripts on Appeal Filed.	

	The Case Filed by Fermin Solis Aniel, Erlinda Abibas Aniel.
103 06/20/2012	Ex Parte Application And Proposed Order Located to Dept. 21 For Consideration.
104 06/20/2012	Ex-Parte Fee Paid by Fermin Solis Aniel, Erlinda Abibas Aniel.
105 06/29/2012	Order Dismissing Case Effective 12/6/11, Signed by Judge Foiles on 06/29/12, Filed.

102 06/20/2012

Complaints

Notice of Plaintiffs EX Parte Application For A Written Order Dismissing

NbrTypeFile DateStatus1COM COMPLAINT of FERMIN SOLIS ANIEL02/02/2011Dismissed 12/06/2011

Minutes

Minutes			
<u>Type</u>	<u>Details</u>		
Reference Action	(S) Complaint Filed		
	02/02/2011		
	Receipt: 110202-0306 \$395.00		
Reference Action	(S) Demurrer to Complaint Filed 02/02/2011 of Fermin Aniel Filed by Ets Services, Llc, Gmac Mortgage, Llc, Hsbc Bank, USA, Mortgage Electronicregistration Systems Represented by Edward R Buell		
	03/07/2011		
	Receipt: 110307-0764 \$1,580.00		
Reference Action	(S) Demurrer to Complaint Filed $02/02/2011$ of Fermin Aniel Filed by Pite Duncan, Llp Represented by Peter J Salmon		
	03/15/2011		
	Receipt: 110316-0007 \$40.00		
Reference Action	Notice of Motion to Enter Default Against All Defendants And to Set Aside Trustee Sale Filed by Fermin Solis Aniel, Erlinda Abibas Aniel		
	04/01/2011		
	Receipt: 110401-0498 \$40.00		
Reference Action	Hearing: Motion Re: to Enter Default And Set Aside Trustee Sale Filed by Fermin Solis Aniel, Erlinda Abibas Aniel		
	05/20/2011 9:00 AM		
	Dept LM		
	Honorable Joseph C. Scott, Judge Presiding. Clerk: Rebecca Huerta Court Reporter: Fakhouri.		
	Erlinda Abibas Aniel Present in Pro Per.		
	Attorney(S): Jillian A Benbow Appeared by Court Call on Behalf of Defendant Pite Duncan Lp.		
	Attorney(S): Brian Whitemore Appeared on Behalf of Defendants Ets,Gmac, And Hsbc, et Al.		
	Matter Argued by Counsel And Submitted to The Court.		
	Tentative Ruling Adopted And Becomes The Order:		
	=======================================		
	The Request For Judicial Notice is Denied as The Documents That Are The Subject of The Instant		
	Request Were Unnecessary to The Determination of The Merits of The Instant Motion. The Court Notes		
	That Defendants Failed to Comply With Crc 3.1110(F) With Respect to The Exhibits to The		
	Request.		
	The Motion to Enter Default And Set Aside Trustee Sale is Denied. Entry of Default at This Time is		
	Improper.Plaintiffs Have Failed to Show That They Are Entitled to The Ultimate Relief They Seek at		
	This Time of A Setting Aside of The Trustee Sale.		
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The Moving Party Shall Prepare A Formal Order Consistent With The Ruling And Submit to Opposing Party For Review as to Form And Content. Submit to Court For Judges Signature.

Entered by R Huerta on 05/20/11.

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Reference Action

Case Management Conference

06/02/2011 9:00 AM

Dept 8

Hearing Continued to 07/21/11 at 09:00 in Department 21.

Honorable Mark R. Forcum, Judge Presiding. Clerk: Cheryl Lyssand Court Reporter: Valerie Cathey

Counsel Joseph Astleford For Plaintiff Appeared by Court Call.

Hearing Continued to 09/01/11 at 09:00 in Department 21.

Plaintiff to Give Notice.

Plaintiff Shall Submit an Updated Case Management Statement.

Entered by C Lyssand on 06/02/11.

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Change Entered on 08/16/11 by C Lyssand. Reason: Preceding Minutes Entered in Error.

The Preceding Minutes Were Entered in Error. These Minutes Were Relating to Civ 502857.

The Cmc Set For This Date Was Continued to 7/21/11 And That Cmc Was Continued to 9/1/11.

The Cmc Set For 9/1/11 Will Remain as Set.

Entered by C Lyssand on 08/16/11.

Reference Action

Hearing: Demurrer to Complaint Filed 02/02/2011 of Fermin Aniel by Pite Duncan, Llp

06/08/2011 9:00 AM

Dept LM

Honorable Joseph C. Scott, Judge Presiding. Clerk: Linda Makela Court Reporter: Fakhouri.

Counsel Jillian Benbow For Defendant Appeared by Court Call.

No Appearance For or by Plaintiff.

Tentative Ruling Adopted And Becomes The Order:

The Demurrer to Complaint by Defendant Pite Duncan, Llp is Sustained Without Leave to Amend

As to All Causes of Action on The Grounds That Plaintiffs Lack Standing. (County of Fresno v.

Shelton (1998) 66 Cal.App.4th 996, 1009). The Allegations of The Complaint Admit That Plaintiffs Names Did Not Appear on The Promissory Note or Deed of Trust at Any Point During The Time The Complained-Of Activities Took Place. The Court is Not Persuaded by Plaintiffs Argument That They Did Not Properly or Timely Record Their Alleged 50% Interest Because They Wished to Avoid Paying Taxes.

Defendants Request For Judicial Notice is Granted as to Exhibits P, Q, And R. Judicial Notice is Taken of The Fact That Exhibits A Through K Were Recorded in The Official Records

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Of The County of San Mateo, And That Exhibits L Through O Were Filed in Plaintiffs Bankruptcy

Action in United States Bankruptcy Court For The Northern District of California, Case No. 09-30452-Dm, But Not as to The Truth of Any Matters Asserted Therein

Demurring Party is Directed to Prepare A Written Order Consistent With The Courts Ruling For The

Courts Signature, Pursuant to California Rules of Court, Rule 3.1312, And to Provide Notice Thereof to The Opposing Party/Counsel as Required by Law And The California Rules of Court.

Entered by Lmakela on 06/08/11.

Reference Action

Hearing: Demurrer to Complaint Filed 02/02/2011 of Fermin Aniel by Ets Services, Llc, Gmac Mortgage, Llc, Hsbc Bank, USA, Mortgage Electronic egistration Systems

06/09/2011 9:00 AM

Dept LM

Honorable Joseph C. Scott, Judge Presiding. Clerk: Linda Makela Court Reporter: Fakhouri. Attorney Brian Whittmore Appearing With/For Defendant(S).

Erlinda Abibas Aniel Present in Pro Per.

Matter Argued by Counsel And Submitted to The Court.

Tentative Ruling Adopted And Becomes The Order:

The Demurrer to Complaint by Defendants Gmac Mortgage, Llc; Ets Services, Llc; Hsbc Bank,

U.S.A; And Mortgage Electronic Registration Systems, Inc. is Sustained Without Leave to Amend as to All Causes of Action on The Grounds That Plaintiffs Lack Standing. (County of Fresno

V. Shelton (1998) 66 Cal.App.4th 996, 1009). The Allegations of The Complaint Admit That Plaintiffs Names Did Not Appear on The Promissory Note or Deed of Trust at Any Point During The Time The Complained-Of Activities Took Place.

Defendants Request For Judicial Notice is Granted Insofar as The Documents For Which Judicial Notice is Sought Were Recorded in The Official Records of The County of San Mateo or

Filed in The United States Bankruptcy Court, But Not as to The Truth of Any Matters Asserted

Therein.

Demurring Parties Are Directed to Prepare A Written Order Consistent With The Courts Ruling

For The Courts Signature, Pursuant to California Rules of Court, Rule 3.1312, And to Provide

Notice Thereof to The Opposing Party/Counsel as Required by Law And The California Rules of

Court.

Entered by Lmakela on 06/09/11.

Reference Action Case Management Conference

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07/21/2011 9:00 AM

Dept 21

Hearing Vacated. Reason: Cmc Set For 9/1/11

Reference Action

Transcript Trust Posted by Erlinda Aniel on Behalf of Fermin Solis Aniel, Erlinda Abibas

Aniel.

08/17/2011

Receipt: 110817-0702 \$100.00

Reference

Transcript Trust Posted by S&R Services on Behalf of Pite Duncan, Llp.

Action

08/29/2011

Receipt: 110829-0402 \$325.00

Receipt# 110829-0402 Voided by Rwils From Aorte

Reference

Exonerate Transcript Trust

Action

08/30/2011

Receipt: 110830-0126 \$100.00

Reference

Void Transcript Trust

Action

08/30/2011

110830-0153 Voided 110829-0402 (325.00)

Reference

Case Management Conference

Action

09/01/2011 9:00 AM

Dept 11

Honorable John L. Grandsaert, Judge Presiding. Clerk: Cheryl Lyssand Court Reporter:

Wendy Wachhorst

Erlinda Abibas Aniel Present in Pro Per.

Attorney(S): Brian S. Whittemore Appeared by Courtcall on Behalf of Defendants Ets

Services,

Llc, Gmac Mortgage, Llc, Hsbc Bank, And Mers.

There Was no Appearance by or on Behalf of Plaintiff Fermin Solis Aniel.

There Was no Appearance by or on Behalf of Defendant Pite Duncan, Llp.

The Court is Informed The Demurrer Was Sustained Without Leave to Amend, Which The

Plaintiffs Are

Appealing.

Hearing Continued to 12/06/11 at 09:00 in Department 21.

Plaintiff to Give Notice.

Plaintiff And Defendant Shall Submit an Updated Case Management Statement.

Entered by C Lyssand on 09/01/11.

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Reference

Transcript Trust Posted by S& R Services on Behalf of Pite Duncan, Llp.

Action

09/01/2011

Receipt: 110901-0616 \$325.00

Reference

Case Management Conference

Action

12/06/2011 9:00 AM

Dept 21

Honorable Robert D. Foiles, Judge Presiding. Clerk: Cheryl Lyssand Court Reporter: Cindy Del Rosario

Erlinda Abibas Aniel Present in Pro Per.

Attorney(S): Brian Wittemore Appeared by Courtcall on Behalf of Defendants Ets Services,

Llc; Gmac Mortgage, Llc; Hsbc Bank; And Mers.

There Was no Appearance by or on Behalf of Plaintiff Fermin Solis Aniel.

There Was no Appearance by or on Behalf of Defendant Pite Duncan, Llp.

Based on The Demurrers Sustained Without Leave to Amend by Judge Scott as to All

Defendants, The

Court Orders This Case Dismissed.

Case Dismissed.

The Court Orders This Matter Dismissed With Prejudice.

Entered by C Lyssand on 12/06/11.

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Reference Action **Exonerate Transcript Trust**

12/29/2011

Receipt: 111229-0472 \$325.00

Reference Action Transcript Trust Posted by Erlinda Aniel on Behalf of Fermin Solis Aniel, Erlinda Abibas

Aniel.

02/02/2012

Receipt: 120202-0331 \$100.00

Reference

Transcript Trust Posted by Janney & Janney Atty Services on Behalf of Pite Duncan, Llp.

Action

02/21/2012

Receipt: 120221-1041 \$650.00

Reference Action Transcript Trust Posted by San Francisco Legal Support, Inc. on Behalf of Ets Services, Llc,

Gmac Mortgage, Llc, Hsbc Bank, USA.

02/22/2012

Receipt: 120222-0235 \$325.00

Reference

Exonerate Transcript Trust

Action

02/28/2012

Receipt: 120228-0080 \$100.00

Reference

Exonerate Transcript Trust

Action

03/28/2012

Receipt: 120328-0802 \$17.50

Reference

Ex-Parte Fee Paid by Fermin Solis Aniel, Erlinda Abibas Aniel.

Action

06/20/2012

Receipt: 120620-0463 \$40.00

Pending Hearings

No Information is Available for this case

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